

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

SANDY GHANEM, ET AL.,

Plaintiffs,

VS.

EVELYN M. UPCHURCH, ACTING
DIRECTOR, U.S. CITIZENSHIP AND
IMMIGRATION SERVICES, ET AL.,

Defendants.

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NO. 4:06-CV-087-A

ORDER

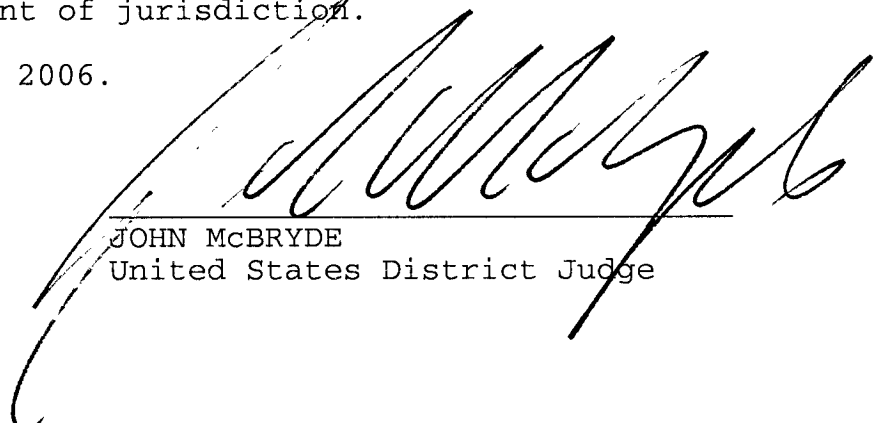
By this action plaintiffs are seeking a review of a decision of the Acting Director of the U.S. Citizenship & Immigration Services that plaintiff Ayed Ghanem is not entitled to favorable adjudication of his petition for alien relative. His petition was denied due to the operation of section 204(c) of the Immigration and Nationality Act, which provides that no petition shall be approved if (1) the alien has previously been accorded, or has sought to be accorded, an immediate relative or preference status as the spouse of a citizen of the United States or the spouse of an alien unlawfully admitted for permanent residence, by reason of a marriage determined by the Attorney General to have been entered into for the purpose of evading the immigration laws, or (2) the Attorney General has determined that the alien has attempted or conspired to enter into a marriage for the purpose of evading the immigration laws.

Upon initial review of the complaint, the court had doubt as to whether the court had jurisdiction to conduct the review

plaintiffs seek. The court had a telephone conference with counsel for plaintiffs on that subject on February 17, 2006. Not being satisfied with what counsel said during the conference, the court ordered counsel to file by February 24, 2006, a memorandum detailing the legal authority upon which plaintiffs contend the court has jurisdiction over this action. On February 24, 2006, plaintiffs, through counsel, filed a memorandum of legal authority in support of plaintiffs' contention that the court has jurisdiction. The court is not persuaded by the arguments and authorities contained in the memorandum. Therefore,

The court ORDERS that the above-captioned action be, and is hereby, dismissed for want of jurisdiction.

SIGNED February 27, 2006.



JOHN McBRYDE
United States District Judge